

# MEETING MINUTES

**MILPITAS PLANNING COMMISSION**  
**Milpitas City Hall, Council Chambers**  
**455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, June 28, 2017**

# I. PLEDGE OF ALLEGIANCE

**Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

## II. ROLL CALL/ SEATING OF ALTERNATE

**Present:** Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Morris, Maglalang, Mohsin, Chua

**Absent:** All commissioners were present

**Staff:** Bradley Misner, Katy Wisinski, Jessica Garner, Michael Fossati

### III. PUBLIC FORUM

**Chair Mandal** invited members of the audience to address the Commission and there were no speakers.

#### IV. APPROVAL OF MEETING MINUTES

**Chair Mandal** called for approval of the May 24, 2017 meeting minutes of the Planning Commission.

**Motion** to approve Planning Commission meeting minutes.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

ABSTAIN: 0

## V. ANNOUNCEMENTS

Planning Director Bradley Misner announced that the election of Chair and Vice Chair will be held at the next meeting on July 12, and at this time he is planning to cancel the July 26 meeting. Mr. Misner said the commission Bylaws will be presented to City Council in August.

## VI. CONFLICT OF INTEREST

**Deputy City Attorney Katy Wisinski** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

## VII. APPROVAL OF AGENDA

**Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

**Motion** to approve the June 28, 2017 agenda as submitted.

**Motion/Second:** Commissioner Sandhu/Commissioner Mohsin

AYES: 7

NOES: 0

## VIII. CONSENT CALENDAR

NO ITEMS

## IX. PUBLIC HEARING

**IX-1 EXECUTIVE INN SIGNS – 95 DEMPSEY ROAD – P-SD16-0008:** A request to install two internally illuminated double faced over six feet tall freestanding signs at the Executive Inn located at 95 Dempsey Road.

Project Planner Jessica Garner showed a presentation and discussed the request to install two freestanding signs to replace old signage. She noted there was an updated resolution and that copies were provided for the commissioners.

Chair Mandal asked if the new signs are being implemented to make the business more visible. Ms. Garner was unsure of the exact reason but said the signs are replacing dated ones at new heights and locations.

Commissioner Maglalang asked what the maximum height is for a sign at this location. Ms. Wisinski said 25' is the maximum for this type of freestanding sign and information on sign requirements was added to Page 3 of the updated resolution.

Applicant Mike Terron with Northwest Signs was present. He said the property owner wishes to modernize the signs, as the existing ones are old, and they will be larger for better visibility. They will also be LED illuminated and will use less energy than the existing signs.

Chair Mandal commented that the landscaping used to look nicer and recommended that it be improved.

Anil Patel, the property owner, said he does have a landscaping plan. He will complete the installation of the new signs, add fencing around the building, and then improve the landscaping.

Ms. Wisinski said the updated resolution had several changes and she read the revisions for the record.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Mohsin/Commissioner Morris

AYES: 7

NOES: 0

**Motion** to Adopt Resolution No. 17-018 approving Site Development Permit No. SD16-0008, subject to the attached Conditions of Approval.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

**IX-2**

**KLA TENCOR – 1 TECHNOLOGY DRIVE – P-UP17-0003:** A request for a Conditional Use Permit to exceed thirty-five feet height in M1 Industrial district with the installation of three new structures per City Code Section XI-10-7.03 at 1 Technology Drive.

Project Planner Michael Fossati showed a presentation and discussed the request.

Commissioner Maglalang questioned the removal of 11 parking spaces. Mr. Fossati said he worked with the applicant and feels comfortable there is adequate parking.

Commissioner Mohsin asked if notices regarding this project were sent to nearby businesses, and Mr. Fossati said there were notices sent to nearby owners and residents and no responses were received.

Commissioner Chua asked how the applicant has previously stored nitrogen. Mr. Fossati explained that currently the nitrogen is being transported in and put in temporary tanks, and the purpose of these storage tanks is to allow for storage onsite, eliminating the need to transport from off-site locations.

Commissioner Ciardella asked how the tanks are secured for safety, such as in the case of an earthquake. Mr. Fossati said project plans are routed to other city departments and the project will be reviewed by Building and Safety staff before a permit will be issued.

Applicant Manuel Trejo and Nicole Krauss of KLA Tencor were present to answer questions.

Commissioner Chua asked if these types of storage tanks have been installed at other KLA facilities. Ms. Krauss said there are existing storage tanks at other facilities but not this type of plant which generates nitrogen.

Commissioner Chua asked why the tanks needs to exceed the existing height limit. Mr. Trejo said the main reason is to reduce the amount of nitrogen that is being trucked in and the number of trucks that come to the facility, as nitrogen is currently being delivered three times per day. He added that the 58' tower is not a storage tank but a cold box, an intricate part of the production process, which cools the air and produces the nitrogen.

Commissioner Maglalang asked how the parking was calculated. Ms. Krauss said she did not have the exact numbers available but for plan checks they demonstrate the layout of each building in terms of the use of the space and show how they calculated the required parking spaces, and they also perform a physical count of spaces quarterly.

Commissioner Maglalang requested an added condition of approval showing how the parking was calculated.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Ciardella

AYES: 7

NOES: 0

**Motion** to Adopt Resolution No. 17-013, approving Conditional Use Permit No. UP17-0003, subject to the attached Conditions of Approval.

Commissioner Maglalang asked for the added condition for parking calculations and Vice Chair Madnawat felt it was unnecessary, asking that staff ensure the parking is compliant.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

### IX-3

**MAO MIXED-USE DEVELOPMENT - 1880 N. MILPITAS BLVD. – P-SD14-0023; P-UP16-0014:** A request for a Site Development Permit and Conditional Use Permit to allow the construction of a 14,999 square foot mixed-use development on .37 acres at 1880 N. Milpitas Blvd. The project consists of 2,335 square feet of commercial on the ground floor, a 4,282 square foot dental office on the second floor, and three residential units on the third floor.

Project Planner Michael Fossati showed a presentation and discussed the project. He said four comments were received in opposition of the project and were addressed in the staff report, and he believes the concerns do not warrant a request for denial.

Commissioner Sandhu recalled that this project had been approved by the Planning Commission some time ago. Mr. Fossati confirmed that a similar project was approved in 2008 but due to the economic downturn and financing the project did not move forward. For any project approved by the commission, the applicant is required to begin construction within a two year time period for the permit to remain valid.

Vice Chair Madnawat asked why this is the only parcel in the neighborhood that is zoned for mixed use. Mr. Fossati said the project was previously approved for a zoning change. Unlike a building permit, the zoning amendment remains valid although construction did not begin within two years.

Vice Chair Madnawat said it seems difficult to determine if parking is sufficient without knowing for what type of use the commercial space will be used. Mr. Misner said the project is a mixed use building with speculative ground floor space because the tenant is unknown at this point. When the applicant comes to the city for tenant improvements and a business license, staff will check that the type of use is permitted and consistent with the resolution and the parking requirements. The ground floor space is set up for retail but it will not be a full service, sit-down restaurant because that requires more parking than what is being proposed in the project.

Chair Mandal asked if the project is walkable and pedestrian friendly. Mr. Misner said the project represents a true infill, mixed use development in that it has ground

floor retail uses with residential above as well as office space. The building is near the corner, designed with entrances close to the sidewalk, giving it a pedestrian friendly design and he believes this development will cater to pedestrians; however, getting more people on the sidewalk and walking in the neighborhood requires similar developments nearby.

Commissioner Mohsin would like to see a more modern building incorporating steel and glass. Mr. Misner said the commission does have some purview over design elements. Staff had slight concerns with the proportionality of the building, as they felt it was top-heavy, as well as the color on the ground floor and the brown awning. He said if there are certain elements the commission would like to give direction on, anything that is cosmetic can be addressed.

Commissioner Ciardella was concerned with parking and the use of the retail space. Mr. Fossati explained that parking requirements are dependent on the space of the dining area. Mr. Misner added that staff analyzes whether or not the uses are compliant with the city's parking ratios and, in regards to food uses, a full sit-down service restaurant with a lot of dining would not be allowed here.

Property owner Marline Mao and project architect Li-Sheng Fu were present and showed a short presentation. Mr. Fu explained that the building is pushed to the corner to provide more visibility and to maximize the store front.

Commissioner Maglalang requested the applicant plant Jacaranda trees instead of crepe myrtle trees. Mr. Misner said that is possible as long as the trees are within the site boundaries, but if he is referencing the trees in the public right of way then he will need to check with the Public Works department to ensure they are on the list of acceptable street trees. Commissioner Maglalang said he is requesting accent trees.

Commissioner Ciardella believes taller trees will provide better screening and privacy for the residents.

Vice Chair Madnawat asked if park in lieu fees apply to this project. Mr. Misner said there are requirements for park in lieu fees in the Midtown and TASP areas and in other parts of the city it is linked to subdivision requirements, but park in lieu fees do not apply to this project.

Chair Mandal opened the public hearing. Allen Chu, Vice President of Lincolnwood HOA, adjacent to the proposed site, said there was a meeting the previous evening with board members and there are concerns regarding noise and the 45' building blocking their residences. Mr. Chu agrees that it is good to have development at this location but not such a tall building, and he asked that the commissioners consider the residents.

Michael Tai, Milpitas resident and founder of Southbay YIMB (Yes in My Backyard) said his group reviews developments and makes assessments based on the community's point of view. This appears to be a good development and he agrees with the general direction of this project. He said the city might not be used to tall buildings but, because it is a growing city with limited space, may need to broaden its horizons and consider taller buildings.

Two nearby property owners spoke in support of the project.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Commissioner Maglalang

AYES: 7

NOES: 0

Commissioner Ciardella requested an added condition for larger trees in 48” pots instead of 24” pots to provide better screening for the residents.

Ms. Wisinski noted that the resolution was updated with changes to Section 2 number 4 regarding CEQA findings and water quality issues and she read the revisions for the record.

**Motion** to Adopt Resolution No. 17-015 approving Site Development Permit No. SD14-0023 and Conditional Use Permit No. UP16-0014, subject to the attached Conditions of Approval, with an added condition for larger trees.

Motion/Second: Chair Mandal/Commissioner Ciardella

AYES: 7

NOES: 0

**X. NEW BUSINESS**

**NO ITEMS**

**XI. ADJOURNMENT**

The meeting was adjourned at 9:15 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Commissioner Mohsin/Commissioner Sandhu

AYES: 7

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*